

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GERALD MIGDOL,

Defendant.

NOLLE PROSEQUI

S1 21 Cr. 706 (JPO)

1. The filing of this *nolle prosequi* will dispose of the charges filed against defendant GERALD MIGDOL.

2. On April 11, 2022, GERALD MIGDOL was charged in a seven-count information, (Docket No. 36, the “Information”), with violations of Title 18, United States Code, Sections 371 (conspiracy), 666(a)(2) (bribery), 1343 and 1346 (honest services wire fraud), 1349 (wire fraud conspiracy), 1028A(a)(1) and 1028A(b) (aggravated identity theft), 1519 (falsification of records), 1349 (bank fraud conspiracy), and 2 (aiding and abetting).

3. On February 9, 2024, while the above-captioned case was pending, GERALD MIGDOL died. Attached hereto as Exhibit A is a true and correct copy of MIGDOL’s death certificate.

4. Because GERALD MIGDOL died while this case was pending, and therefore before a final judgment was issued, the Information must be dismissed under the rule of abatement. *See United States v. Wright*, 160 F.3d 905, 908 (2d Cir. 1998).

5. In light of the foregoing, I recommend that an order of *nolle prosequi* be filed as to defendant GERALD MIGDOL.

Dated: New York, New York
February 27, 2024



Celia V. Cohen
Assistant United States Attorney
(914) 993-1921

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of *nolle prosequi* be filed as to defendant GERALD MIGDOL with respect to the Information.



DAMIAN WILLIAMS
United States Attorney
Southern District of New York

Dated: New York, New York
February 27, 2024

SO ORDERED:

Honorable J. Paul Oetken
United States District Judge
Southern District of New York

Dated: New York, New York
_____, 2024

EXHIBIT A

FILED IN THE OFFICE OF THE
IS A TYPE COPY OF A TRANSMITTAL
A HEALTH CARE UNIT.

DECEDENT

DISPOSITION

CERTIFIER

CAUSE OF DEATH

I HEREBY CERTIFY THAT THIS
IS A TRUE COPY OF A TRANSCRIPT
FILED IN THE OFFICE OF THE
TOWN CLERK, TOWN OF GREENBURGH

[Signature]
Deputy Town Clerk
Town of Greenburgh

